



PATENT
Docket No. 577242000100

DECLARATION FOR UTILITY PATENT APPLICATION

AS BELOW-NAMED INVENTORS, WE HEREBY DECLARE THAT:

Our residences, post office addresses, and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: SINUS DELIVERY OF SUSTAINED RELEASE THERAPEUTICS, the specification of which is attached hereto unless the following box is checked:

☒ was filed on March 12, 2004 as United States Application Serial No. 10/800,162.

WE HEREBY STATE THAT WE HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

We acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

| Application No. | Country | Date of Filing | Priority Claimed? |
|-----------------|---------|----------------|--|
| | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |

We hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

| Application Serial No. | Filing Date |
|------------------------|----------------|
| 60/454,918 | March 14, 2003 |


We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, we acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.



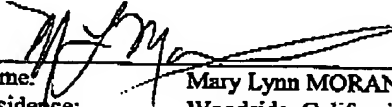
| Application Serial No. | Filing Date | Status |
|------------------------|-------------|---|
| | | <input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned |

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


9-13-04
Date


Name: Donald J. EATON
Residence: Woodside, California
Citizenship: United States of America
Post Office Address: 335 Kings Mountain Road, Woodside, California 94062

9/14/04
Date


Name: Mary Lynn MORAN
Residence: Woodside, California
Citizenship: United States of America
Post Office Address: 2973 Woodside Road, Woodside, California 94062

9-16-04
Date


Name: Rodney A. BRENNEMAN
Residence: San Juan Capistrano, California
Citizenship: United States of America
Post Office Address: 34002 Las Palmas Del Mar, San Juan Capistrano, California 92675